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*How to obtain a*

# Marriage License

*in Massachusetts*

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## *How to obtain a*
# Marriage License
## *in Massachusetts*

*All people who marry in Massachusetts must have a marriage license issued in Massachusetts. An out-of-state license cannot be used. This pamphlet outlines the procedures you must follow to obtain the license.*

❖ *How do we apply for a marriage license?*
You must both apply in person for a marriage license. This requirement is applicable to both residents and non-residents of the Commonwealth. According to Massachusetts law, you must jointly file intentions to marry, and you may do so with the city or town clerk in any community in the state. If a person is in the military, intentions may be filed by either party, providing one is a Massachusetts resident. If a person is incarcerated in a county house of correction or a state correctional facility, intentions may be filed by either party. A marriage license, once obtained, is valid for 60 days from the date intentions are filed and may be used in any Massachusetts city or town. It is not valid outside of the state.

❖ *Is there a waiting period from the date of application to the date the license is issued?*
Yes, there is a mandatory three-day waiting period. While Sundays and holidays are included in the three days, the day the application is made is not. For

example, if you apply on Friday, your license will be issued on or after Monday. Check with your town clerk to determine whether you must pick it up in person, or if it can be mailed.

❖ *May we marry before the three days for good reason?*

Yes, if you can obtain a court waiver after filing intentions.

❖ *How do we obtain a waiver?*

You should file your intentions first with any city or town clerk. Then an application for a waiver must be filed by both of you at a probate or district court. After a hearing, the court may issue a certificate allowing the marriage license to be issued, and the marriage performed without delay.

❖ *What is the cost of a marriage license?*

The state statute stipulates a fee of $4 for the license but it allows cities and towns by a vote of their city councils, boards of selectmen or town meeting, or by a change in the by-laws, to set their own fee.

❖ *At what age may a man or woman marry?*

A Massachusetts resident may marry if he or she is 18 years of age or older. A birth certificate may be required to show proof of age.

❖ *What if one or both of us is under 18?*

If either party is under 18, a court order from a probate or district court where the minor resides must be obtained before the marriage intentions can be filed.

❖ *Is a medical certificate required before a license can be issued?*

Yes, a medical certificate is necessary for each of you unless you obtain a request in writing from a member of the clergy or attending physician stating that the woman is near the termination of her pregnancy or the death of either party is imminent.

❖ *Where can we obtain medical certificates?*

You may obtain medical certificates from any physician licensed to practice in Massachusetts. Blank medical certificates for premarital tests may be obtained by medical practitioners and by out-of-state residents planning to marry in Massachusetts from:

Bureau of Communicable Disease Control
Department of Public Health
305 South Street, Boston, MA 02130
(617) 983-6940

Medical certificates from other states are valid for both the man and woman. However, it is the responsibility of the physician to offer the woman a voluntary test for susceptibility to rubella (German measles) and to discuss with each applicant AIDS educational material, facts which are now noted by the physician on the Massachusetts medical certificate form. If the out-of-state certificate does not contain these provisions, the out-of-state physician must note them in a separate letter or a Massachusetts physician must complete those sections of the Massachusetts medical certificate which is then filed with the out-of-state certificate. In the case of out-of-state medical certificates the city or town clerk has the auth-ority to waive

the requirement for the discussion of the AIDS educational material.

❖ *What is the purpose of the medical certificate?*

The medical certificate states that the individual has been examined and found free of communicable syphilis. The doctor may require a complete examination if, in the doctor's opinion, the possibility of syphilis is present. Also, the certificate indicates that the physician has offered the woman a voluntary test for susceptibility of rubella and that the physician has discussed with each applicant AIDS information.

❖ *May a person with communicable syphilis obtain a marriage license?*

No. However, after the applicant has had sufficient treatment and is found non-infectious, the doctor will issue the medical certificate and a marriage license may be obtained.

❖ *Is a test for AIDS required to obtain a marriage license in Massachusetts?*

No. However, it is now required by a regulation of the Department of Public Health that city and town clerks distribute to applicants for a marriage license an AIDS educational pamphlet. Also it is the responsibility of the physician to discuss with each applicant for a medical certificate this AIDS educational material. For information and referral, contact:

Statewide toll free AIDS hotline
1-800-235-2331

U. S. Public Health Service
toll free hotline
1-800-342-AIDS (2437)

- *How long are the medical certificates valid?* You may file intentions to marry without your medical certificates. However, the clerk cannot issue your marriage license until you have submitted the medical certificates. If you obtain the medical certificates prior to filing intentions, you must file intentions within 30 days or the medical certificates are no longer valid. Your marriage license, once obtained, is valid for 60 days from the date intentions are filed. Medical certificates which are obtained after the filing of intentions are valid for 60 days from the date intentions are filed, the length of time the marriage license itself is valid.

- *What if one or both of us has been divorced?* You are not required to present a divorce certificate when filing intentions to marry. However, it is extremely important that an individual who has been divorced be certain that his/her divorce is absolute. If you are uncertain as to the absolute date of your divorce, you should contact the court where the divorce was granted. In Massachusetts, a divorce does not become absolute until 90 days after the divorce *nisi* has been granted, regardless of the grounds for divorce.

- *Is there any special requirement for a widow or widower who is remarrying?* No.

- *Do we need any witnesses present at the ceremony?*

  Massachusetts statute does not require that witnesses be present at your ceremony. However, if a member of the clergy performs the ceremony, you should ensure that you are in conformity with the appropriate religious tenets.

- *What are the responsibilities of the member of the clergy or justice of the peace?*

  The member of the clergy or justice of the peace must complete and sign the original license and return it to the clerk of the city of town where the license was issued.

- *What should be done if an out-of-state member of the clergy is to perform the marriage?*

  If an out-of-state member of the clergy is to perform the marriage, the clergyperson must obtain a Certificate of Authorization from the Massachusetts Secretary of the Commonwealth prior to the ceremony. This certificate, which is issued by the Public Records Division of the Secretary of the Commonwealth, is to be attached to the original license and returned to the clerk of the city or town where the license was issued. For further information, contact:

  Division of Public Records
  Secretary of the Commonwealth
  One Ashburton Place, Room 1719
  Boston, MA 02108
  (617) 727-2836

❖ *Where can we go for additional assistance or information?*

You may contact your city or town clerk, or:

Registry of Vital Records and Statistics
Department of Public Health
470 Atlantic Ave. - 2nd floor
Boston, MA 02210-2224
(617) 753-8600

**William Francis Galvin**
Secretary of the Commonwealth
Citizen Information Service
One Ashburton Place, Room 1612
Boston, Massachusetts 02108
Telephone: (617) 727-7030 (TDD also)
Toll-free: 1-800-392-6090 (in Massachusetts only)
Fax: (617) 742-4528
Website: www.magnet.state.ma.us/sec/cis

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